

1 BILL NO. Z-85-08-28

2 ZONING MAP ORDINANCE NO. Z-11-85

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. L-6.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby  
8 designated a B-3-B (General Business) District under the terms of  
9 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 The S 36' of the N 75' of Lot # 8 and the  
11 S 36' of the N 75' of Lot # 9 and all of

12 Lots 10, 11, 12, 14, 15, 16, 17, 18 and 19 all  
13 in H.B. Reed's Addition, as recorded in Plat  
Record 55, page 152 in Fort Wayne, Allen County,

14 and the symbols of the City of Fort Wayne Zoning Map No. L-6, as established  
15 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne,  
16 Indiana are hereby changed accordingly.

17 SECTION 2. That this Ordinance shall be in  
18 full force and effect from and after its passage and approval by the  
19 Mayor.

20  
21 Charles B. Reed  
22 COUNCILMEMBER

23 APPROVED AS TO FORM AND LEGALITY:

24 Bob Boyer  
25 c.A.  
26  
27  
28  
29  
30  
31  
32



Read the first time in full and on motion by Redd  
seconded by Eisbart, and duly adopted, read the second time  
by title and referred to the Committee Legislative (and the Ci  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Way  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E

DATE: 8-27-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd  
seconded by Eisbart, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 10-8-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-11-85  
on the 8th day of October, 1985,

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 9th day of October, 1985  
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of October  
1985, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

RECEIPT

CK# 5871

No 12028

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

6-25 1985

RECEIVED FROM

Peters & Jernell

\$

50.00

THE SUM OF

fifty & 00/100

100

DOLLARS

ON ACCOUNT OF

reyming

Patt B.

AUTHORIZED SIGNATURE



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

x/We Gerald O. Fox & Dolores H. Fox and Richard C. Roe & Susan V. Roe and Germain Miller  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B & R3 District to a/an B3B District the property described as follows:

Property in H. B. Reed's Addition, as recorded in Plat Record 55, page 152 in Fort Wayne, Allen County, Indiana, to-wit:  
Lots 18 and 19\*(owned by Fox) from B1B to B3B\*including Lot 12 and the West 1/2 of Lot 10  
Lot 17 and the East 1/2 of Lot 16 (owned by Fox) already zoned B3B  
The West 1/2 of Lot 16 and the East 1/2 of Lot 15 from R3 to B3B  
The West 1/2 of Lot 15 and Lot 11 (owned by Miller) from R3 to B3B  
The East 1/2 of Lot 14 and the West 1/2 of Lot 10 and Lot 12 (owned by Fox) from R3 to B3B  
The West 1/2 of Lot 14 (owned by Roe) from R3 to B3B  
The East 1/2 of Lot 10 (owned by Surack) from R3 to B3B

S 36 ft of N 75 ft Lot 8 + S 36 ft of N 75 ft Lot 9  
owned by Sutter - up for tax sale - to be purchased by Fox on 8/12/85  
(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

See Page 2

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Dolores H. Fox</u>	<u>512 Van Buren, Fort Wayne, IN</u>	<u>Dolores H. Fox</u>
<u>Gerald O. Fox</u>	<u>512 Van Buren, Fort Wayne, IN</u>	<u>Gerald O. Fox</u>
<u>Richard C. Roe</u>	<u>5215 Sandalwood Dr., Fort Wayne, IN</u>	<u>Richard C. Roe</u>
<u>Susan V. Roe</u>	<u>5215 Sandalwood Dr., Fort Wayne, IN</u>	<u>Susan V. Roe</u>
<u>Germain Miller</u>	<u>824 Greely, Fort Wayne, IN</u>	<u>Germain Miller</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Philip R. Terrill</u>	<u>1700 Lincoln Bank Tower</u>	<u>(219) 423-4487</u>
<u>PETERS &amp; TERRILL</u>	<u>Fort Wayne, IN 46802</u>	<u>(Telephone Number)</u>
(Name)	(Address & Zip Code)	

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



Property address  
~~Legal Description of property to be rezoned.~~

Lots 19, 18, 17 and East 1/2 of Lot 16	512 Van Buren, Fort Wayne, IN 46802
West 1/2 of Lot 16	817 West Superior, Fort Wayne, IN 46802
East 1/2 of Lot 15	819 West Superior, Fort Wayne, IN 46802
West 1/2 of Lot 15	821 West Superior, Fort Wayne, IN 46802
East 1/2 of Lot 14	823 West Superior, Fort Wayne, IN 46802
West 1/2 of Lot 14	825 West Superior, Fort Wayne, IN 46802
Lot 12	826 & 828 Greely St., Fort Wayne, IN 46802
Lot 11	824 & 820 Greely St., Fort Wayne, IN 46802
West 1/2 of Lot 10	818 Greely St., Fort Wayne, IN 46802
East 1/2 of Lot 10	814 Greely St., Fort Wayne, IN 46802

Owners of Property

Gerald O. Fox & Dolores H. Fox

512 Van Buren, Fort Wayne,  
IN

*Gerald O. Fox*  
*Dolores H. Fox*

Richard C. Roe & Susan V. Roe

5215 Sandalwood Dr., Ft.  
Wayne, IN

*Richard C. Roe*  
*Susan V. Roe*

Germain Miller

824 Greely, Fort Wayne, IN

*Germain Miller*

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.



Mail tax bills to:

512 Van Buren  
46804

COPY

85-16158

# WARRANTY DEED

This indenture witnesseth that MAY L. STULTS, over the age of eighteen (18) years

of Allen County in the State of Indiana

Convey and warrant to GERALD O. FOX

of Allen County in the State of Indiana

for and in consideration of Ten Dollars (\$10.00) and other valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to wit:

The West 1/2 of Lot 14 in H. B. Reed's Addition to the City of Fort Wayne, according to the recorded plat thereof, recorded in Book 55, page 152 of the Deed Records of Allen County, Indiana. (Commonly known as 825 West Superior Street, Fort Wayne, Indiana.)

Subject to real estate taxes due in November of 1985.

1985 JUN 24 PM 12:29  
ALLEN COUNTY RECORDER  
M. L. Stults

State of Indiana, Allen

County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 21st day of June 19 85 personally appeared:

May L. Stults, over the age of eighteen (18) years

Dated this 21st Day of June 19 85

May L. Stults

Seal

MAY L. STULTS

Seal

DULY ENTERED FOR TAXATION

JUN 24 1985

Seal

Gloria J. Gorglein

Seal

AUDITOR OF ALLEN COUNTY

Seal

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires November 5, 19 87

Linda S. Singer

Linda S. Singer Notary Public

Resident of Allen County.

INSTRUMENT T

3663

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 27, 1985 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-08-38; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1985;

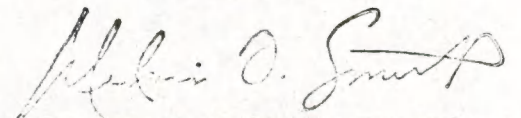
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1985.

Certified and signed this  
24th day of September 1985.

  
\_\_\_\_\_  
Melvin O. Smith  
Secretary



85-27245

# DEDICATION OF RESTRICTIVE COVENANTS FOR

Lot #14 and Lot #15 in H.B. Reed's Addition  
as recorded in Plat Record 55, Page 152 in  
Fort Wayne, Allen County, Indiana

I, Gerald O. Fox, being the owner of record of the real estate shown and described hereinabove, do hereby agree that he will implement and maintain a landscape buffer on the following described property and as more fully described herein:

The West 10 feet of Lot #14 in H.B. Reed's Addition and the North 10 feet of Lot #14 and Lot #15 in H.B. Reed's Addition.

This landscape buffer will be implemented within two planting seasons with a landscape plan submitted to and approved by the Community Development and Planning Department of the City of Fort Wayne, Indiana. Said landscaping shall be perpetually maintained to the satisfaction of that Department.

No additional curb cuts shall be used or requested on to either Jackson or Superior Street for the real estate described herein.

In the event the City institutes a lawsuit to enforce these covenants, the Owner agrees that damages will be insufficient and agrees that the City has the right to sue for specific performance. If any such suit is decided in the City's favor the Owner will be liable, in addition to any damages, for costs and attorneys fees.

This covenant shall run with the land and will be binding upon all the owners, heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned, Gerald O. Fox, being  
the owner of the within and above-described real estate, hereby  
executed this Restrictive Covenant in Fort Wayne, Indiana on the  
23 day of September, 1985.

GERALD O. FOX  
512 Van Buren  
Fort Wayne, IN

1985 SEP 24 PM 12:54  
ALLEN COUNTY RECORDER  
W. J. Allen  
in



STATE OF INDIANA     )  
                              ) SS:  
COUNTY OF ALLEN     )

Personally appeared before me, a Notary Public in and for said County and State, Gerald O. Fox, who voluntarily executed the above and foregoing Dedication of Restrictive Covenant and who states that the facts contained therein are true and correct as he verily believes.

My commission expires:  
July 1, 1989

Lisa M. Keller  
Notary Public, Lisa M. Keller  
Resident of Allen County, IN

This instrument prepared by George Martin, Attorney at Law,  
1400 Lincoln Bank Tower, Fort Wayne, IN 46802



# FACT SHEET

Z-85-08-38

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

### DETAILS

<b>Specific Location and/or Address</b>  An area bounded by Superior, Jackson, Greeley and Van Buren Streets.
<b>Reason for Project</b>  Expansion of Fox & Fox Garage.
<b>Discussion (Including relationship to other Council actions)</b>  <u>19 August 1985 - Public Hearing</u>  Phil Terrill, attorney representing the petitioners stated that his client Fox & Fox Garage was requesting the rezoning in order to expand their present operation. Mr. Terrill stated they did not have any problems as set forth in the staff analysis with the exception of #2. He stated this condition was in regard to the 25 foot buffer along Jackson & Superior Street. He stated they have just purchased the lot in question and it is only 24 feet wide, he stated the kind of investment for a buffer zone does not appear to be equitable or fair, when it really does not preserve the integrity of that particular neighborhood. He stated that a buffer along Jackson would appear to be impractical as eventually all of the residences will be purchased by Fox & Fox and torn down. He stated the same situation applies to those lots on Superior Street.

### POSITIONS

### RECOMMENDATIONS

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/Proponents</b>	Applicant(s) Delores & Gerald F. Richard & Sue Roe & Germain Miller City Department  Other
<b>Opponents</b>	Groups or Individuals  Basis of Opposition
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass



# DETAILS

Ben Eisbart stated that he felt the petitioner/representative should meet with a member of the staff and work our any problems with regard to condition #2 prior to the business meeting.

August 26, 1985 - Business Meeting

Motion to approve was made and carried.

Of the 8 members present 7 voted in favor of approval one (1) did not vote.

Condition #2 in the staff analysis was changed to the following:

A restrictive covenant be recorded that requires a ten (10) foot buffer screening along the west of Lot #14 and the north of Lot 14 & 15 that must be landscaped, in H.B. Reed's Addition. A restrictive covenant to that affect has been received and a copy is attached to the original ordinance.

## POLICY/PROGRAM IMPACT

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date June 25, 1985

Projected Completion or Occupancy

Date September 24, 1985

Fact Sheet Prepared by

Patricia Biancaniello

Date September 24, 1985

Reviewed by

*Gary Burt*

Date

9/25/85

Reference or Case Number



## DIGEST SHEET

ORIGINAL

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance AmendmentDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P 3-85-08-28SYNOPSIS OF ORDINANCE 814 thru 828 Greely Street / 514 Van Buren Street /817 thru 825 West Superior Street #1EFFECT OF PASSAGE Property is now zoned B-1-B - Limited Business & R-3Multi-Family Residential. Properties will become B-3-B - General Business.EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business &R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_



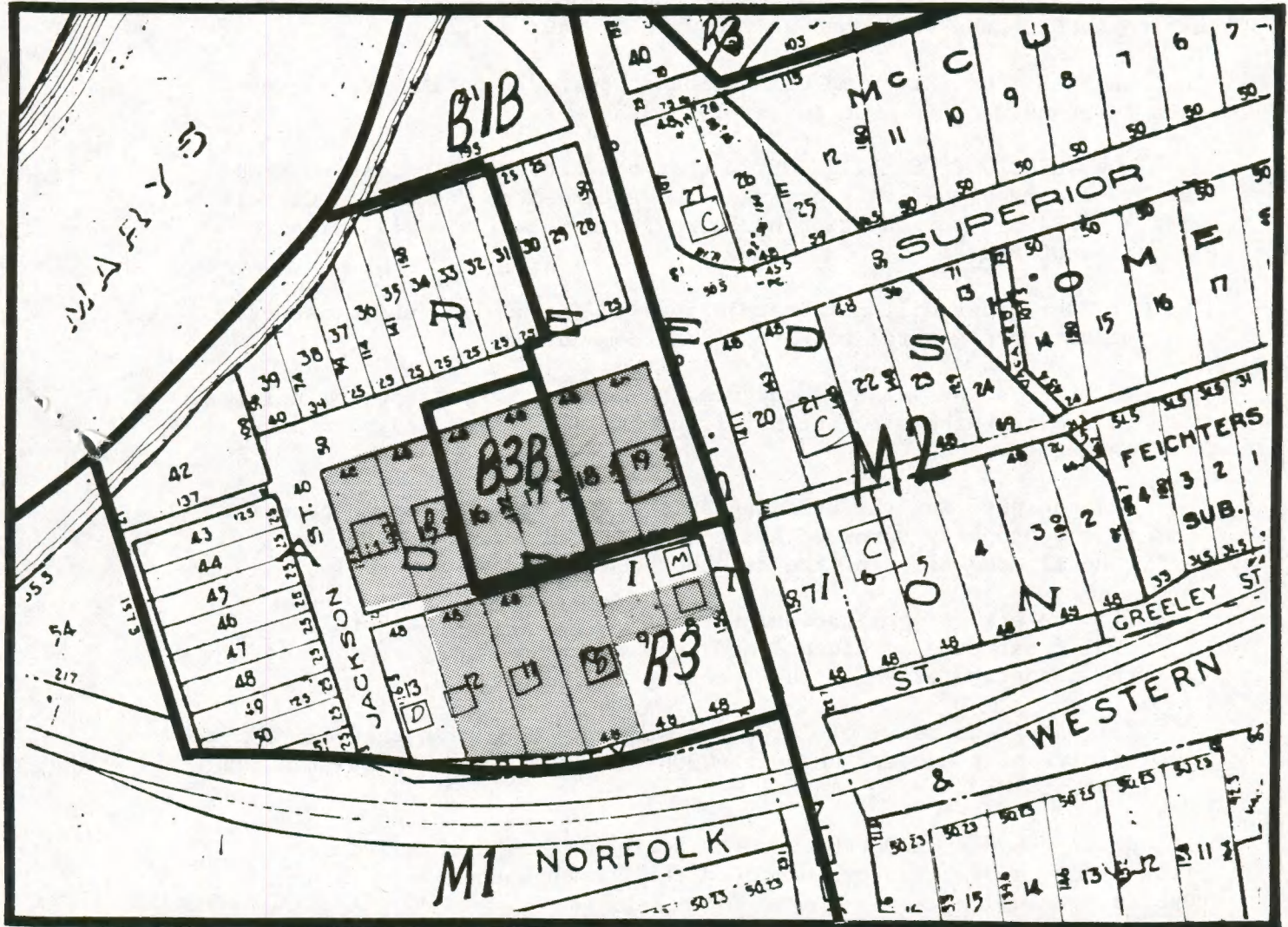
# ZONING PETITION

#140

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM A B1B & R3 DISTRICTS TO A B3B DISTRICT.

IBILL NO. Z-85-08-38  
MAP NO. L-6

COUNCILMANIC DISTRICT NO. 1



## Zoning:

B1B LIMITED BUSINESS 'B'  
B3B GENERAL BUSINESS 'B'  
M1 LIGHT INDUSTRY  
M2 GENERAL INDUSTRY  
R3 RESIDENTIAL DISTRICT

## Land Use:

☐ SINGLE FAMILY  
☐ DUPLEX  
☐ COMMERCIAL  
☐ MULTI-FAMILY

Scale: 1" = 135'

19

Date: 7-30-85



L.W.



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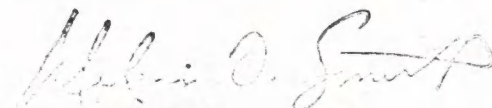
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Certified and signed this  
24th day of September 1985.



Melvin O. Smith  
Secretary



BILL NO. Z-85-08-38

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of Fort  
Wayne Zoning Map No. L-6

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION) \_\_\_\_\_

YES

NO

Charles B. Redd

CHARLES B. REDD  
CHAIRMAN

Janet G. Bradbury

JANET G. BRADBURY  
VICE CHAIRWOMAN

James S. Stier

JAMES S. STIER

Ben A. Eisbart

BEN A. EISBART

Donald J. Schmidt

DONALD J. SCHMIDT

CONCURRED IN 10-8-85

SANDRA E. KENNEDY  
CITY CLERK